

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9171 OF 2014

Harikisan Madanlal Mundada .. Petitioner
vs.
The Commissioner & Registrar,
Co-operation, Co-op. Societies,
Maharashtra State, Pune & Ors. .. Respondents

Mr. J. Shekhar for Petitioner.
Ms Vaishali Nimbalkar – AGP and Ms Neha Bhide – 'B' Panel
Counsel for Respondents.

CORAM : M. S. SONAK, J.
DATE: 27 JANUARY 2016

P.C :

1] For the reasons set out in the order dated 27 January 2016 made in writ petition nos. 2366 of 2015, 8385 of 2014, 2367 of 2015 and 1883 of 2015, this petition is also required to be dismissed and is hereby dismissed.

2] The learned counsel for the petitioner however tried to distinguish the facts and circumstances of the present petition from the facts and circumstances in the connected petitions. However, the distinction is really not significant to warrant a different view.

3] In the connected petitions, the petitioners were members of the managing committee of the society at the relevant period when

the offences were alleged to have been committed. The petitioner is the employee of the bank. Significantly, the petitioners in the said petitions had contended that the audit report in terms of Section 81 (5B) exonerates them, but lays the blame upon the employees. Now, the petitioner, who is an employee, seeks to urge that the audit report holds nothing adverse against him and further, that the whole purpose of inviting the audit report was not even to find out whether the employees were involved in the transaction. As noted in the order, to which reference is made before, this is a case where the banks granted substantial loans to borrowers for purchase of vehicles on basis of one and the same set of vehicle documents. Ultimately, the borrowers have made themselves scarce and the banks have been defrauded. In these circumstances, the difference that the petitioner in the present case is an employee and the petitioners in the connected cases were members of the managing committee, is hardly relevant.

4] The impugned order cannot be said to have been made without any application of mind.

5] This petition is dismissed. There shall however, be no order as to costs.

6] Since, in the connected petitions, interim relief had been granted and the same has been continued for a period of six weeks from today, the same interim relief is continued in respect of the present petitioner as well for a period of six weeks from today.

(M. S. SONAK, J.)

Chandka